

# **Town Board Minutes**

## **Meeting No. 10**

### ***Regular Meeting***

**March 18, 2002**

## ***Town Board Minutes***

**March 18, 2002**

**Meeting No. 11**

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 18th day of March 2002 at 8:00 P.M. and there were

**PRESENT:** MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
RICHARD ZARBO, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** DONNA STEMPIAK, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
CHRISTINE FUSCO, ASSESSOR  
MARY ANN PERRELLO, DEPUTY TOWN CLERK

### **PERSONS ADDRESSING TOWN BOARD:**

**Bayerl, Sarah -** Depew Middle School Student, Sertoma Essay Contest Winner - Read her essay on *Freedom In America*.

**Beutler, Daniel, 26 Tyler Street,** spoke to the Town Board on the following matters:

- Asked questions about state aid application for Senior Citizens Center expansion.
- Questions about joint meeting with the School Board, Village Board and Town Board.

**Chowaniec, Lee, 93 Northwood Drive,** spoke to the Town Board on the following matter:

- Comments about the type of Wal Mart store to be placed at Transit Road/William Street.
- Asked the Town Board to restrict the Wal Mart to not being a Super Wal Mart.

**Ciancio, George, 64 Northwood Drive,** spoke to the Town Board on the following matter:

- Observations about the number of comments which the Town has received from the residents of Northwood Village.

**Howell, Gary, 48 Park Blvd,** spoke to the Town Board on the following matter:

- Asked if building permit has been issued for communication tower on Penora Street (#8711).

**Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:**

- States that there are communications that are missing at the Library.
- Suggests that the Town Board video tape meetings for Adelphia Cable.

**Przybysz, Paul, 66 Northwood Drive, spoke to the Town Board on the following matter:**

- Asked why the Municipal Review Committee was cancelled for tonight.
- Asked if Wal Mart is a super Wal Mart.
- Asked if the Town is self insured.
- Asked what the Town spent for defense of zoning issue at Transit Road/William Street.

**Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:**

- Resolution # 1 from meeting held 3/4/02 - Comments about accrued sick time of Police Chief.
- Resolution # 3 from meeting held 3/4/02 - Comments about extension of retirement benefits to Police Chief.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Joseph A. Famiglietti for a Special Use Permit for a Home Occupation (archery sales) on premises locally known as 6 Woodgate Drive.

The affidavits of publication of this Public Hearing are on file and a copy of the Public Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Joseph Famiglietti, the petitioner	6 Woodgate Drive	Plans to advertise & sell on internet. No discharge of arrows on the premises. Will be repair work.
Gloria Kubicki	15 Maple Drive	Questions
Roy Schneggenburger	87 Stony Road	Questions

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:37 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

March 18, 2002

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes from the Special Meeting of the Town Board held  
March 4, 2002 and the Regular Meeting of the Town Board held on March 4, 2002 be and are  
hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 18, 2002

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, SALVATORE'S ITALIAN GARDENS, 6461 Transit Road,**  
Lancaster, New York, has submitted a Site Plan prepared by Daryl Martin, Architect dated  
February 14, 2002 and received February 22, 2002 for the construction of a 1,350 sq. ft. addition to  
a pre-engineered storage building located at 6461 Transit Road in the Town of Lancaster, and

**WHEREAS, the Planning Board has reviewed the plan, and at its meeting March 6,**  
2002, has recommended approval of this project, and

**WHEREAS, this project has been reviewed for SEQR purposes and it has been**  
determined to be a Type II Action and as such no further SEQR review is necessary.

**NOW, THEREFORE, BE IT**

**RESOLVED, that the Town Board of the Town of Lancaster hereby approves the**  
Site Plan submitted by **SALVATORE'S ITALIAN GARDENS**, prepared by Daryl K. Martin,  
Architect dated February 14, 2002 and received February 22, 2002 for the construction of a 1,350  
sq. ft. addition to a pre-engineered storage building located at 6461 Transit Road in the Town of  
Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 18, 2002

File: rpsalvatoresitaliangardens302

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER ZARBO, TO WIT:

**WHEREAS**, the Town of Lancaster seeks grant monies to purchase computers and computer supplies for the Senior Citizen Center and to purchase and install air conditioning at the Lancaster Opera House, and

**WHEREAS**, grant monies are available through the Erie County Public Benefit Fund via Legislator Dale Larson for this purpose.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 18, 2002

file: computerairconditioner

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA. WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town of Lancaster seeks grant monies to expand the Senior Citizen Center, and

**WHEREAS**, grant monies are available through the New York State Office for the Aging via State Senator Dale Volker for this purpose.

**NOW, THEREFORE BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Office for the Aging for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 18, 2002

file:seniorcentr



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 17 (F) of the Code of the Town of Lancaster upon the application of **JOSEPH A. FAMIGLIETTI**, for a Special Use Permit for a Home Occupation (archery sales) on premises located at 6 Woodgate Drive, Lancaster, New York, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard.

**NOW THEREFORE, BE IT  
RESOLVED**, as follows:

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **JOSEPH A. FAMIGLIETTI**, for a Home Occupation (archery sales) on premises located at 6 Woodgate Drive, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F. of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a. Only persons residing on the premises shall be engaged in such an occupation;
- b. The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. It may be within the principal accessory structure;
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation;
- d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot;
- e. There shall be no outdoor sign advertising this business;
- f. This Special Use Permit terminates when the applicant no longer resides on the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEPNIAK	WAS ABSENT
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 18, 2002

File: \*rspecialusefamilylistmarchery1302

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated March 14, 2002, has requested the addition of an additional member to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individual:

**ADDITION:**

Christian Drechsel  
82 Williamsburg Lane  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 18, 2002

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:

**WHEREAS**, the Bowmansville Volunteer Fire Association, Inc., by letter dated March 11, 2002 has requested the addition of one (1) Probationary Active Member and one (1) Probationary Limited Active Member to the membership roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the following additions to the membership of the Bowmansville Volunteer Fire Association:

**ADDITION - Probationary Active Member:**

Matthew Roy  
36 West Home Road  
Bowmansville, New York 14026

**ADDITION - Probationary Limited Active Member:**

Brian Nosbisch  
31 Newell Avenue  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 18, 2002

File: RFIRE (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

**WHEREAS**, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to cause an amendment to Local Law No. 1 of the Year 1997 by repealing the following sections of that Local Law to wit:

(1) §50-41.3 of Article VIIA of Chapter 50-Zoning

(2) §50-41.4 of Article VIIA of Chapter 50-Zoning

(3) §50-41.5 of Article VIIA of Chapter 50-Zoning

and to enact in place thereof by Local Law No. 1 of the Year 2002 the following:

**ZONING  
CHAPTER 50 - ARTICLE VIIA**

**COMMUNICATIONS TOWERS  
LOCAL LAW NO. 1  
OF THE YEAR 2002**

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER,**

**(1) BY REPEALING IN ITS ENTIRETY §50-41.3 ARTICLE VIIA OF CHAPTER 50-  
ZONING AND ENACTING IN PLACE THEREOF A NEW §50-41.3.**

**BE IT ENACTED** by the Town Board of the Town of Lancaster, as follows:

**SECTION 1.** That §50-41.3 Article VIIA of Chapter 50 Zoning be and is hereby repealed.

**SECTION 2.** That a new §50-41.3 of Article VIIA of Chapter 50- Zoning of the Code of the Town of Lancaster be and is hereby enacted as follows:

**§50-41.3 Co-locating antennas on existing structures.**

Communication antennas may be attached to existing communication towers, water tanks, buildings, or structures in any zoning district, upon application for approval made to the Town Clerk and upon review and approval by the Town Board. Such application shall be subject to environmental review pursuant to SEQRA.

**(2) BY REPEALING IN ITS ENTIRETY §50-41.4 ARTICLE VIIA OF CHAPTER 50-  
ZONING AND ENACTING IN PLACE THEREOF A NEW §50-41.4.**

**BE IT ENACTED** by the Town Board of the Town of Lancaster, as follows:

**SECTION 1.** That §50-41.4 Article VIIA of Chapter 50 Zoning be and is hereby repealed.

**SECTION 2.** That a new §50-41.4 of Article VIIA of Chapter 50- Zoning of the Code of the Town of Lancaster be and is hereby enacted as follows:

**§50-41.4 Communication towers, Site Plan, and Special Use Permit.**

Communication towers and accessory structures in all zoning districts shall be issued a building permit only after an application for site plan review pursuant to §50-41.6 Town Code has been submitted to the Town.

duly reviewed by the Planning Board with a recommendation made to the Town Board and upon action by the Town Board granting a special use permit based upon the review of the site plan. This issuance of a special use permit hereunder is subject to environmental review pursuant to SEQRA.

**(3) BY REPEALING IN ITS ENTIRETY §50-41.5 Article VIIA OF CHAPTER 50-ZONING AND ENACTING IN PLACE THEREOF A NEW §50-41.5.**

**BE IT ENACTED** by the Town Board of the Town of Lancaster, as follows:

**SECTION 1.** That §50-41.5 Article VIIA of Chapter 50 Zoning be and is hereby repealed.

**SECTION 2.** That a new §50-41.5 of Article VIIA, of Chapter 50- Zoning of the Code of the Town of Lancaster be and is hereby enacted as follows:

**§50-41.5 Town Owned Property; Exemption by Town Board**

The Town Board reserves the right to waive the special use permit requirements for communication towers proposed to be located on Town property but even in the event of such waiver an environmental review pursuant to SEQRA must be conducted prior to issuance of a building permit.

**4.** This Local Law shall become effective upon filing with the Office of the Secretary of State.

**NOW, THEREFORE, BE IT  
RESOLVED,** as follows:

**1.** That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law No. 1 of the Year 2002, which local law repeals certain sections of Article VIIA entitled "Communications Towers" of Chapter 50-Zoning of the Code of the Town of Lancaster, in their entirety as follows: 1) §50-41.3 Co-locating antennas on existing structures., 2) §50-41.4 Communications towers in industrial and manufacturing districts., and 3) §50-41.5 Communications towers in other districts., and enacts in place thereof replacement sections under Article VIIA entitled "Communications Towers" of Chapter 50-Zoning Code of the Town of Lancaster as set forth here and after: 1) §50-41.3 Co-locating antennas on existing structures. Communication antennas may be attached to existing communication towers, water tanks, buildings, or structures in any zoning district, upon application for approval made to the Town Clerk and upon review and approval by the Town Board. Such application shall be subject to environmental review pursuant to SEQRA., 2) §50-41.4 Communication towers, Site Plan, and Special Use Permit. Communication towers and accessory structures in all zoning districts shall

be issued a building permit only after an application for site plan review pursuant to §50-41.6 Town Code has been submitted to the Town, duly reviewed by the Planning Board with a recommendation made to the Town Board and upon action by the Town Board granting a Special Use Permit based upon the review of the site plan. This issuance of a Special Use Permit hereunder is subject to environmental review pursuant to SEQRA, and 3) §50-41.5 Town Owned Property; Exemption by Town Board. The Town Board reserves the right to waive the Special Use Permit requirements for communication towers proposed to be located on Town property but even in the event of such waiver an environmental review pursuant to SEQRA must be conducted prior to issuance of a building permit will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M., Local Time, on the 8<sup>th</sup> day of April, 2002, and that Notice of the Time and Place of such Hearing shall be published on March 21, 2002, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law No. 1 for the Year 2002, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 18, 2002

File: rlocallawcommunicationtowers



**LEGAL NOTICE  
PUBLIC HEARING  
PROPOSED LOCAL LAW NO. 1  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted March 18, 2002, the said Town Board will hold a Public Hearing on the 8<sup>th</sup> day of April, 2002 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law No.1 of the Year 2002, which Local Law repeals parts of Local Law No. 1 of the year 1997 entitled Communications Towers to wit: §50-41.3 of Article VIIA of Chapter 50-Zoning of the Code of the Town of Lancaster, and enacts in place thereof a new §50-41.3 of Article VIIA of Chapter 50-Zoning, of the Code of the said Town and repeals in its entirety, §50-41.4 of Article VIIA of Chapter 50-Zoning of the Code of the Town of Lancaster, and enacts in place thereof a new §50-41.4 of Article VIIA of Chapter 50-Zoning of the Code of the said Town, and repeals in its entirety §50-41.5 of Article VIIA of Chapter 50-Zoning of the Code of the Town of Lancaster, and enacts in place thereof a new §50-41.5 of Article VIIA of Chapter 50-Zoning of the Code of the Town of Lancaster.

A complete copy of this proposed Local Law No. 1 of the Year 2002, designated as Chapter 50-41.3 of Article VIIA, Chapter 50-41.4 of Article VIIA and Chapter 50-41.5 of Article VIIA of Chapter 50-Zoning of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**  
Town Clerk

March 18, 2002

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

**WHEREAS**, Local Law No. 5 of the Year 2001, entitled "Residential Subdivision Development" designated as Chapter 34 of the Code of the Town of Lancaster, was adopted on the 1st day of October, 2001, and will expire according to its terms on March 31, 2002, and

**WHEREAS**, the Town is in the process of considering the adoption of a Comprehensive Plan for the Town pursuant to the authority in Town Law §272-a, and

**WHEREAS**, the Town Board of the Town of Lancaster after due consideration deems it in the public interest to continue the moratorium period for an additional six months to permit the Town Board sufficient time to conduct the necessary environmental review of the proposed Comprehensive Plan, make any revisions which the Town Board deems appropriate to the Plan and then cause the final adoption thereof, all pursuant to the statutory procedures required under 272-a Town Law, and

**WHEREAS**, the Town Board has determined it to be in the public interest to enact a new Local Law of the Year 2002, designated as Chapter 34 of said Town Code, repealing said Chapter 34 and enacting in place thereof a new Chapter 34, entitled "Residential Subdivision Development", as follows:

## **CHAPTER 34**

### **RESIDENTIAL SUBDIVISION DEVELOPMENT**

#### **LOCAL LAW NO. 2**

**Of the Year  
2002**

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING AND REPEALING, IN ITS ENTIRETY CHAPTER 34 OF THE CODE OF THE TOWN OF LANCASTER, AND ENTITLED "RESIDENTIAL SUBDIVISION DEVELOPMENT", AND REPLACING IT WITH LOCAL LAW NO. 2 OF THE YEAR 2002 ENTITLED, "RESIDENTIAL SUBDIVISION DEVELOPMENT" AND DESIGNATED AS CHAPTER 34, OF THE CODE OF THE TOWN OF LANCASTER.**

**BE IT ENACTED**, by the Town Board of the Town of Lancaster, as follows:

#### **Section 1.**

The Code of the Town of Lancaster is hereby amended by deleting and repealing Chapter 34, of the Code, entitled "Residential Subdivision Development".

#### **Section 2.**

The Code of the Town of Lancaster is hereby amended by adding thereto Local Law No. 2 of the Year 2002, to replace "Chapter 34" as hereinabove repealed, which shall be entitled: "Residential Subdivision Development", and shall read as follows:

### **RESIDENTIAL SUBDIVISION DEVELOPMENT**

#### **Chapter 34**

- §34-1. Title.**
- §34.2. Purpose.**
- §34.3. Jurisdiction.**
- §34.4. Definitions.**
- §34.5. Temporary limitations.**
- §34-6. Severability.**
- §34-7. Supersession of statutory provisions.**
- §34-8. When effective.**

#### **§34-1. Title.**

This chapter shall hereinafter be known and cited as "Residential Subdivision Development" of the Town of Lancaster and further designated as Chapter 34 of the Code of the Town of the Town of Lancaster.

**§34-2. Purpose.**

- A. It is the purpose of this chapter to temporarily limit new residential subdivision growth in the entire town, in order to address the potential demands occasioned by residential developments which may cause significant stress on (1) the infrastructure, including road systems and the available water pressure, (2) public school system, and (3) town services. Such a moratorium will provide a reasonable time for the Town's Comprehensive Master Plan Committee to complete its current analysis of the town's present and future growth management plan; to present its findings; to allow public comment thereon; and to allow the Town Board to enact appropriate laws relating thereto and to make proposed revisions to the town zoning laws, if necessary.
- B. Further, it is the purpose of this chapter to fulfill the town's constitutional, statutory and legal obligations to protect and preserve the public health, welfare and safety of the residents of the Town of Lancaster and to protect the value, use and enjoyment of property within the town.

**§34-3. Jurisdiction.**

This chapter shall apply to the entire Town of Lancaster, excluding the Villages of Lancaster and Depew.

**§34-4. Definitions.**

For purposes of this chapter, the terms used herein shall be defined as follows:

**APPLICATION** - Any request for official action by the Town Board, Planning Board, SEQR Municipal Review Committee (MRC), and/or department of the town, which request would, in any way, commence the process whereby land may be developed.

**RESIDENTIAL SUBDIVISION DEVELOPMENT:**

- A. Any subdivision of five (5) or more lots, for purposes of constructing one or two family residences, or any size subdivision requiring any new street or extension of municipal facilities; or
- B. Any townhouse, condominium project or apartment complex involving five (5) or more dwelling units.

**§34-5. Temporary limitation.**

- A. For a period commencing on the effective date of this chapter and terminating six (6) months from the effective date, no application for residential subdivision development may be filed, accepted and/or approved except as provided in Subsection B.
- B. This Chapter shall not apply to (1) any residential subdivision of land that involves five (5) lots or less; (2) any residential subdivision of any size for which an application has heretofore been filed with the Town Clerk as of the effective date of this Local Law; and (3) any residential complex designed to house senior citizens whether as an assisted living center or otherwise.

**§34-6. Severability.**

If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

**§34-7. Supersedure of statutory provisions.**

This chapter is intended to supersede §274-a, Subdivision 7, of the Town Law (L. 1992, c.694, §1, effective July 1, 1993), relating to the time within which an application for site plan approval must be decided. This chapter is also intended to supersede §276, Subdivisions 5 (f) and 6 (f), of the Town Law (L.1992 c.727, §1, effective July 1, 1993), relating to default approval of preliminary plat and final plats.

**§34-8. When effective.**

This chapter shall become effective upon filing with the Secretary of State.

**NOW, THEREFORE, BE IT**

**RESOLVED, as follows:**

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on proposed Local Law No. 2 of the Year 2002, which local law repeals in its entirety Chapter 34 of the Code and enacts in place thereof a new Chapter 34 of the Code, entitled: "Residential Subdivision Development," be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:45 o'clock P.M., Local Time, on the 8<sup>th</sup> day of April, 2002, and that Notice of the Time and Place of such Hearing shall be published on March 21, 2002, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law No. 2 for the Year 2002, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 18, 2002

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted March 18, 2002, the said Town Board will hold a Public Hearing on the 8th day of April, 2002 at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposal Local Law No. 2 of the Year 2002 which Local Law repeals in its entirety Chapter 34 of the Code of the Town of Lancaster, entitled: "Residential Subdivision Development, and enacts in place thereof a New Chapter 34 of said Code entitled "Residential Subdivision Development" of the Code of the said Town, briefly described as follows:

**"A Local Law repealing Local Law No. 5 of the Year 2001 entitled Residential Subdivision Development", designated as Chapter 34 of the Code of the Town of Lancaster.**

**"This Local Law provides a temporary moratorium on residential real estate development in the entire Town of Lancaster, excluding the Villages of Lancaster and Depew."**

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**  
Town Clerk

March 18, 2002

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER RUFFINO, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER ZARBO, TO WIT:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK, ADOPTED MARCH 18, 2002, AUTHORIZING THE PURCHASE OF VARIOUS EQUIPMENT FOR USE BY THE HIGHWAY DEPARTMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$300,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Lancaster, in the County of Erie, New York (herein called the "Town"), is hereby authorized to purchase various equipment for use by the Highway Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$300,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$300,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$300,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 28. of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.



Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in the "LANCASTER BEE," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

**TOWN OF LANCASTER, NEW YORK**

**PLEASE TAKE NOTICE** that on March 18, 2002, the Town Board of the Town of Lancaster, in the County of Eric, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Lancaster, New York, adopted March 18, 2002, authorizing the purchase of various equipment for use by the Highway Department, stating the estimated maximum cost thereof is \$300,000, appropriating said amount therefor, and authorizing the issuance of \$300,000 serial bonds of said Town to finance said appropriation."

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

**FIRST: AUTHORIZING** said Town to purchase various equipment for use by the Highway Department; **STATING** the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$300,000, **APPROPRIATING** said amount therefor; and **STATING** the plan of financing includes the issuance of \$300,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

**SECOND: AUTHORIZING** the issuance of \$300,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

**THIRD: DETERMINING** and **STATING** the period of probable usefulness applicable to the purpose for which the bonds are authorized is fifteen (15) years; the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$300,000 serial bonds will exceed five (5) years;

**FOURTH: DETERMINING** that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and **PLEDGING** to their payment the faith and credit of the Town;

**FIFTH: DELEGATING** to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

**SIXTH: DETERMINING** that the bond resolution is subject to a permissive referendum.

**DATED:** March 18, 2002

Johanna M. Coleman  
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 18, 2002

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR. TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 13206 to Claim No. 13476 Inclusive

Total amount hereby authorized to be paid: \$1,062,673.36

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 18, 2002

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit Applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**TABLED PERMIT:**

Pmt #	Applicant Name	Address	Structure
8711	Voicestream Wireless	0 Penora St	Er. Com. Tower

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	Structure
8855		Forbes Homes Inc	6219 Genesee St	Er. Garage
8856		Home Imprv. Specialists	19 Gale Dr	Er. Res. Add.
8857		Bullseye Building	378 Harris Hill Rd	Er. Res. Add.
8858		Haniszewski, Edward	911 Ransom Rd	Er. Fence
8859		Haniszewski, Edward	911 Ransom Rd	Dem. Garage
8860		Tracy, Charles	18 Cedar Brook Dr	Er. Shed
8861		KCM Custom Gages	3 Division (T) St	Dem. Garage
8862		KCM Custom Garages	3 Division (T) St	Er. Garage
8863		Forsestream Village Inc	4725 Forestream Dr	Er. Sign-Temp
8864		Wendy's Great Lakes	5191 Genesee St	Er. Sign
8865		Duro Shed Inc	29 Apple Blossom Blvd	Er. Shed
8866		Kostecky, James	123 Southwest Pky	Er. Deck (V/L)
8867		Ryan Homes	38 Creekwood Dr	Er. Dwlg.-Sin.
8868		Duro Shed Inc	3 Sugar Mill Ct	Er. Shed

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 18, 2002

File:Rbldg2

## COMMUNICATIONS & REPORTS:

196. Town Attorney to Municipal Review Committee -  
Notification the Municipal Review Committee will reconvene Monday, March 4 at 6:30 PM to give consideration to accepting the FEIS for northeast corner of Transit Road and William Street. DISPOSITION = Received and Filed
197. Town Clerk to Various News Media -  
Notice to media of MRC meeting, March 4, 2002 at 6:30PM regarding northeast corner of Transit Road and William Street. DISPOSITION = Received and Filed
198. Erie County Division of Budget, Management and Finance to Tax Receivers of the Towns of Alden, Brant, Checktowaga, Evans, Hamburg, Lancaster, Tonawanda and West Seneca -  
Notification regarding court decisions for CSX & Norfolk Southern Railroad. DISPOSITION = Town Attorney
199. Clough, Harbour & Associates LLP to Supervisor -  
Notice that the the FEIS for the northeast corner of Transit Road and William Street is sufficient for public review. DISPOSITION = Planning Committee
200. Mury E. Rafalski to Town Board -  
Comments regarding the proposed rezone for NEC Transit Road and William Street. DISPOSITION = Planning Committee
201. Lee Chowaniec to Town Board -  
Comments regarding the proposed rezone for NEC Transit Road and William Street. DISPOSITION = Planning Committee
202. Paul H. Przybysz to Town Board -  
Comments and attachments regarding the proposed rezone for NEC Transit Road and William Street. DISPOSITION = Planning Committee
203. Chief of Police to Planning Board Chairman -  
Notice of approval from Police Department for the site plan for Tops Markets proposed canopy extension and fuel pump. DISPOSITION = Planning Committee
204. Chief of Police to Planning Board Chairman -  
Notice of approval from Police Department for the site plan for Apple Rubber proposed addition, 204 Cemetery Road. DISPOSITION = Planning Committee
205. Chief of Police to Planning Board Chairman -  
Notice of approval from Police Department for the site plan for Salvatore's Italian Gardens proposed addition to existing storage building. DISPOSITION = Planning Committee
206. NYS DOT to Deputy Town Attorney -  
Comments regarding the SEQR/Site Plan Review for Uniland Commerce Center Phase I, 4106 Walden Avenue. DISPOSITION = Planning Committee
207. Town Clerk to Town Board -  
Copy of first settlement payment to Erie County for 2002 County/Town tax warrant. DISPOSITION = Received and Filed
208. Town Clerk to Town Board -  
Transmittal of Town Clerk's monthly report for February 2002. DISPOSITION = Received and Filed
209. Roy H. Schneggenburger to Council Member Montour -  
Comments regarding FOIL requests for drainage projects. DISPOSITION = Town Engineer
210. Erie County Legislature Clerk to Town Board -  
Transmittal of adopted resolution urging President to declare Erie County major disaster area due to snow emergency. DISPOSITION = Received and Filed

211. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -  
Request for a detailed landscape plan of Tim Horton's Coffee & Baked Goods Restaurant, 3600 Walden Avenue. DISPOSITION = Received and Filed
212. Erie County Highway Superintendent to Ms. Allison Waliger -  
Reply to letter of February 21, 2002 regarding the intersection of Central Avenue and Country View. DISPOSITION = Received and Filed
213. Police Chief to Allison Waliger -  
Reply to letter of February 21, 2002 regarding the intersection of Central Avenue and Country View. DISPOSITION = Received and Filed
214. Concerned Citizens of Clarence and Lancaster to Supervisor -  
Comments regarding noise ordinance and Lancaster Speedway. DISPOSITION = Received and Filed
215. Mayor, Village of Williamsville to Executive Director, NYS Thruway Authority -  
Transmittal of adopted resolution urging relocation of Williamsville Toll Barrier. DISPOSITION = Received and Filed
216. Greater Buffalo-Niagara Regional Transportation Council to Town Board -  
Notice of meeting Wednesday, March 13, 2002 at 9:30 AM at the Rath County Office Building. DISPOSITION = Received and Filed
217. Mark Besecker to Supervisor -  
Comments regarding "relocation" of wetlands at William Street and Transit Road. DISPOSITION = Planning Committee
218. Clough, Harbour & Associates LLP to Supervisor -  
Letter describing services of Clough, Harbour & Associates. DISPOSITION = Received and Filed
219. Town Clerk to Various News Media -  
Notice of special joint meeting of the Town Board and Planning Board on March 20, 2002 at 7:30 PM at the Town Hall regarding cul-de-sacs and other related matters. DISPOSITION = Received and Filed
220. Highway Superintendent to Planning Board Chairman -  
Concerns regarding site plan review of Tim Horton's Coffee and Baked Goods Restaurant. DISPOSITION = Planning Committee
221. Frank & Marlene Todaro to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street. DISPOSITION = Planning Committee
222. Erie County Division of Budget, Management and Finance to Tax Receivers of the Towns of Alden, Brant, Cheektowaga, Evans, Hamburg, Lancaster, Tonawanda and West Seneca -  
Revised notification regarding court decisions for CSX & Norfolk Southern Railroad. DISPOSITION = Town Attorney
223. Doris W. Noyes to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street. DISPOSITION = Planning Committee
224. Western New York Earth Day & Partners For A Livable Western New York to Western New York Public Officials -  
Invitation to participate in Earth Day, 2002. DISPOSITION = General Crew Chief
225. Chief of Police to Planning Board Chairman -  
Notice of approval from Police Department for the site plan for Tim Horton's Coffee and Baked Goods Restaurant. DISPOSITION = Planning Committee



226. Lancaster Area Chamber of Commerce to Town Board -  
Update and comments regarding widening of Broadway. DISPOSITION = Received and Filed
227. Nancy Pieniazek to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
228. Carol A. Beback to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
229. Joy Thrun to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
230. James Tagliaferro to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
231. Carlene Blake Ryan to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
232. Joan Cozzolino to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
233. Oriel Cozzolino to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
234. Norman & Ruth Johnson to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
235. Barbara J. Karjewski to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
236. Patricia A. Kobus to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
237. Cornelius Hanes to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
238. Maureen Craig to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
239. Daniel & Delores Sekanovich to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
240. Norman Klaffka to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
241. Jack P. Regal to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee

242. Anne-Marie Warda to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
243. Linda McConnaughey to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
244. Paul H. Przybysz to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
245. Marita Ronald to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
246. Gary F. Ronald to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
247. Victoria A. McVay to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
248. H. Kupsinel to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
249. Patricia A. Przybysz to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
250. Jack J. Jerebko to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
251. John J. Walsh to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
252. Frederick Netzel to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
253. Moira E. Reichard to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
254. Mary Cich to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
255. Sandra L. Stubbs to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
256. Eloira R. Forster to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
257. Caroline J. Witman to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee

258. Eleanor M. Dudek to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
259. Robert Sieh to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
260. George Franke to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
261. Norman H. Herrmann to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
262. Harry Henshaw to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
263. Barbara R. Paulson to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
264. Mr. & Mrs. D. Marsh to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
265. Dorothy G. Janik to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
266. Loree Paulson to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
267. Mr. & Mrs. Gary Raddington to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
268. Patricia Ann Ciancio to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
269. Lawrence F. Helminiak to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
270. Kathleen S. Bonisch to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
271. Town Attorney to Municipal Review Committee -  
Notification the Municipal Review Committee will reconvene Monday, March 18, 2002  
at 6:30 PM to make and adopt finding on the FEIS for northeast corner of Transit Road  
and William Street. DISPOSITION = Received and Filed
272. Town Clerk to Various News Media -  
Notice of a meeting of the SEQRA Municipal Review Committee on March 18, 2002  
at 6:30 PM at the Town Hall to make and adopt findings on the FEIS for northeast  
corner of Transit Road and William Street. DISPOSITION = Received and Filed
273. Jeremiah & Ida Sawyer to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee

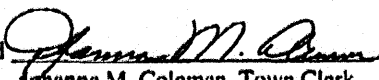
274. David J. Kratzke to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
275. Resident, 72 Northwood Dr. to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
276. Annamarie Toscani to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
277. Ellen M. Szklanka to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
278. Lee Chowanice to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
279. Evelyn Chowanice to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
280. Pamela Hokanson to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
281. Resident, 243 Hull Road to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
282. Coleen Gurler to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
283. Jerome J. Kucharski to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
284. Denise Murphy to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
285. Adele Andrzejewski to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
286. Lawrence J. Schwindler to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
287. Jacque Kontak to Town Board  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
288. Mary Walli to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
289. Marilyn Ostrom to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee

290. Robert Zichittella to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
291. NYS Department of Environmental Conservation to Town Attorney -  
Notification of Lead Agency Designation to the Town of Lancaster regarding Fairway Hills Subdivision; concerns noted. DISPOSITION = Planning Committee
292. George J. Ciancio Sr. to Town Board -  
Comments regarding proposed rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
293. Mr. & Mrs. Philip Gudaski to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
294. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -  
Transmittal of approval from the Town's Forestry Department for the site plan of Schmitt's Garage, Inc., 5255 Genesee Street. DISPOSITION = Planning Committee
295. Town Highway Superintendent to Manitoba Corporation -  
Letter requesting payment for costs incurred to extinguish fire at Manitoba facility on March 12, 2002. DISPOSITION = Town Attorney
296. Town Highway Superintendent to Planning Board Chairman -  
Transmittal of approval from the Town's Highway Department for the site plan of Schmitt's Garage, Inc., 5255 Genesee Street. DISPOSITION = Planning Committee
297. Town Highway Superintendent to Planning Board Chairman -  
Transmittal of approval from the Town's Highway Department for the site plan of Communication Tower, 69 Cemetery Road. DISPOSITION = Planning Committee
298. Esther Regdos to Town Board -  
Recommendation to deny rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
299. Carleen Blake Ryan to Town Board -  
Comments and internet articles regarding proposed rezone of NEC Transit Road and William Street. DISPOSITION = Planning Committee
300. Twin District Fire Company to Town Clerk -  
Request for change in membership roster. DISPOSITION = Resolution 3/18/02
301. Bowmansville Volunteer Fire Association to Town Board -  
Request for change in membership roster. DISPOSITION = Resolution 3/18/02
302. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer, Deputy Town Attorney, Building Inspector -  
Draft copy of Planning Board minutes of meeting held March 6, 2002.  
DISPOSITION = Received and Filed
303. Planning Board to Town Board -  
Recommendation to approve site plan for Apple Rubber Products, Inc., 204 Cemetery Road. DISPOSITION = Planning Committee
304. Planning Board to Town Board -  
Recommendation to approve site plan for Tops Markets, 4779 Transit Road.  
DISPOSITION = Planning Committee
305. Planning Board to Town Board -  
Recommendation to approve site plan for Salvatore's Italian Gardens, 6461 Transit Road. DISPOSITION = Resolution 3/18/02

306. Erie County Sewer District #4 to Supervisor -  
Chart illustrating new "tap-ins" for period from 1974 - 2001. DISPOSITION = Received and Filed
307. Chief of Police to Supervisor -  
Recommendation for Town Board to request Erie County to conduct traffic study regarding intersection of Country View Way and Central Avenue. DISPOSITION = For Resolution
308. NYS Public Service Commission to Town Board -  
Proposed resolution by PSC regarding protection of underground facilities. DISPOSITION = Received and Filed
309. Kaleida Health to Supervisor -  
Letter regarding the report of The Hunter Group concerning local health care needs. DISPOSITION = Received and Filed
310. Erie County Industrial Development Agency to Supervisor -  
Notice of public hearing regarding United Cerebral Palsy Association of Western New York, Inc projects at 4 Cider Mill Court and 23 Oxford Avenue to be held April 16, 2002 at 11:00 AM at the Town Hall. DISPOSITION = Received and Filed
311. Sandra Lee Wirth, NYS Assemblywoman to Town Board -  
Request for support regarding petition drive for the Assembly Republican Conference five-point budget reform plan. DISPOSITION = Received and Filed
312. NYS DOT to Supervisor -  
Notice of awarding of bid for replacement of culverts on Routes 33 & 20 in Town of Lancaster and Alden and meeting to be held Thursday, March 21, 2002 at 1:30 PM at the General Donovan Building. DISPOSITION = Town Engineer
313. James E. Knab to Town Board -  
Request for signs in the North Maple Drive, Lurkspur, and Freeman area. DISPOSITION = Police Chief
314. Paper, Allied-Industrial, Chemical & Energy Workers International Union to George Ciancio -  
Letter endorsing C.A.R.S. fight against the proposed rezone of NEC Transit Road and William Street. DISPOSITION = Planning Committee
315. President, LVAC to Supervisor -  
Enclosure of annual audit for year ending March 31, 2001. DISPOSITION = Received and Filed
316. DiDonato Associates, P.E. to Supervisor -  
Notice of Erie County DPW retaining DiDonato to prepare plans for new bridge at Ransom Road over Cayuga Creek. DISPOSITION = Town Engineer
317. Albert DeBenedetti, Erie County Legislator to Supervisor -  
Notice of meeting regarding the additional one percent sales tax to be held Friday, March 22, 2002 at 11:00 AM. DISPOSITION = Received and Filed
318. Association of Erie County Governments to Town Board -  
Notice of meeting to be held on Thursday, March 28, 2002 at 6:00 PM in Springville, NY. DISPOSITION = Received and Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER MONTOUR, SECONDED BY  
COUNCIL MEMBER RUFFINO AND CARRIED,** the meeting was adjourned at 9:17 P.M.

Signed   
Johanna M. Coleman, Town Clerk